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3
4 UNITED STATES DISTRICT COURT
5
6 NORTHERN DISTRICT OF CALIFORNIA

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ROLAND WILLIAMS,

8

Petitioner,

No. C 08-4449 PJH (PR)

9

v.

ORDER OF TRANSFER

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JAMES A. YATES, Warden,

11

Respondent.

12 _____ /

13 This case was opened when petitioner filed a habeas petition on a preprinted form.
14 His claims, however, are about the conditions of his confinement – medical care – rather
15 than the fact of his confinement or the length of it. It may be, therefore, that his claims are
16 not properly the proper subject of a habeas action. See *Moran v. Sondalle*, 218 F.3d 647,
17 650-52 (7th Cir. 2000); *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action
18 is proper method of challenging conditions of confinement); *Crawford v. Bell*, 599 F.2d 890,
19 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges
20 to terms and conditions of confinement must be brought in civil rights complaint).

21 If the case is treated as a habeas case, his claims involve the execution of his
22 sentence. Such claims are preferably heard in the district of confinement, Habeas L.R.
23 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989), and petitioner is confined
24 at a prison in the Eastern District of California. If it is treated as a civil rights case, the
25 proper venue also would be the Eastern District, where the putative defendants would be
26 found and where the claims arose. See 28 U.S.C. § 1391(b). The court therefore need not
27 resolve the question whether this should be treated as a habeas case or a civil rights case,
28 because either way the preferable venue is not this court, but rather the Eastern District.

1 This case therefore is **TRANSFERRED** to the United States District Court for the
2 Eastern District of California. See 28 U.S.C. § 1404(a)..

3 **IT IS SO ORDERED.**

4 Dated: October 31, 2008.


5 PHYLLIS J. HAMILTON
United States District Judge